IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1660 OF 2005

M/s. Exxon Exports. .. Petitioner.

vs.

Union of India & Ors. .. Respondents.

Mr. Ashok Singh i/by A.V. Latne for petitioner.

Mr. A.S. Rao with Y.S. Bhate i/by H.B. Chaturvedi for the respondents.

..

Coram: J.N. PATEL &,

A.A. SAYED, JJ.

Date: 23RD APRIL, 2007.

P.C.

. The petitioner has come to this Court invoking its writ jurisdiction claiming refund of Rs. 5,00,138/- with interest at the rate of 18% p.a. which has been illegally and unauthorizedly recovered from the petitioner towards demurrage charges by the respondents. The respondents in their reply have specifically taken a stand that the goods came to be detained for the purpose of assessment by the Customs Authority and as they were lying with the Port Trust,

they were required to recover demurrage from them and the set off claim was already granted. We find that this is a case of recovery of money which involves disputed questions of facts. Therefore, this Court is not inclined to entertain the writ petition in the matter. The parties are at liberty to seek alternative remedy.

2. Petition is dismissed. No order as to costs.

(J.N. Patel, J.)

(A.A. Sayed, J.)